



AF/3621
Sfw

PATENT
0033-0682P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: YAMANOUE, et al. Conf.: 5008
Appl. No.: 09/720,791 Group: 3621
Filed: December 29, 2000 Examiner: J. WORJLOH
For: COPYRIGHT MANAGEMENT APPARATUS (As
Amended)

LETTER REGARDING INCOMPLETE OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 13, 2004

Sir:

The courtesy of the Supervisor in conducting a telephone interview on July 9, 2004 is appreciated. This interview was only directed to what is set forth below.

Facts:

(1) The Examiner continues to reject the claims based on U.S. Publication No. 2002/0196364 to Hendricks as set forth in Section 9 of the Office Action. This publication has a filing date of **September 28, 2001** whereas the present application was filed on **December 29, 2000**. Accordingly, the cited publication is not a viable reference.

(2) Additionally, the Ginter reference, which is Publication 2003/0191719, has a filing date of **December 21, 2001**. While this publication relates to continuations-in-part, it is incumbent on the Patent Office to provide evidence that what was relied on in the publication, existed in the previous cases. It is again noted that the present application has a filing date of **December 29, 2000**.

Discussion:

As the two documents noted above are not affective references under 35 U.S.C. § 102, a meaningful response cannot be made and the rejection on its face is *void ab initio*.

Remedy Requested:

It is requested that in this application, if no other references are cited be passed to issue. If other references are cited, the action should not be made final and the period for response should be restarted from the mailing of any new Office Action.

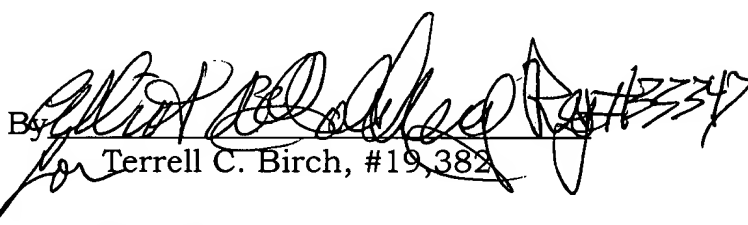
Conclusion:

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Elliot A. Goldberg (Reg. No. 33,347), at the telephone number of (703) 205-8000, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Terrell C. Birch, #19,382

TCB/EAG/lab

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000